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Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Second Amended Accusation
& Petition to Revoke Probation Against:

LESLIE K. BENSON
426 Monterey Lane, #A
San Clemente, CA 92672

Physical Therapy License No. PT 15197

Respondent.

Case No. D1-1998-62206 (consolidated
with) D1-2004-63769

OAH No. L2005020487

**STIPULATED REVOCATION OF
LICENSE AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
proceeding that the following matters are true:

PARTIES

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical
Therapy Board of California. He brought this action solely in his official capacity and is
represented in this matter by Bill Lockyer, Attorney General of the State of California, by Barry
D. Ladendorf, Supervising Deputy Attorney General.

2. LESLIE K. BENSON (Respondent) is represented in this proceeding by
attorney Charles L. Goldberg, whose address is 750 "B" Street, Suite 2100, San Diego, CA
92101-8177.

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1 . 3. On or about August 19, 1998, the Physical Therapy Board of California
2 issued Physical Therapy License No. PT 15197 to LESLIE K. BENSON (Respondent). The
3 License expired on May 31, 2004, and has not been renewed.

4 JURISDICTION

5 4. Second Amended Accusation & Petition to Revoke Probation No.
6 D1-1998-62206 consolidated with D1-2004-63769 was filed before the Physical Therapy Board
7 of California (Board) , Department of Consumer Affairs, and is currently pending against
8 Respondent. The Second Amended Accusation & Petition to Revoke Probation and all other
9 statutorily required documents were properly served on Respondent on December 13, 2004.
10 Respondent timely filed her Notice of Defense contesting the Second Amended Accusation &
11 Petition to Revoke Probation. A copy of the Second Amended Accusation & Petition to Revoke
12 Probation No. D1-1998-62206 consolidated with D1-2004-63769 is attached as Exhibit A and
13 incorporated herein by reference.

14 ADVISEMENT AND WAIVERS

15 5. Respondent has carefully read, fully discussed with counsel, and
16 understands the charges and allegations in Second Amended Accusation & Petition to Revoke
17 Probation No. D1-1998-62206 consolidated with D1-2004-63769. Respondent also has carefully
18 read, fully discussed with counsel, and understands the effects of this Stipulated Revocation of
19 License and Order.

20 6. Respondent is fully aware of her legal rights in this matter, including the
21 right to a hearing on the charges and allegations in the Second Amended Accusation & Petition
22 to Revoke Probation; the right to be represented by counsel, at her own expense; the right to
23 confront and cross-examine the witnesses against her; the right to present evidence and to testify
24 on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses
25 and the production of documents; the right to reconsideration and court review of an adverse
26 decision; and all other rights accorded by the California Administrative Procedure Act and other
27 applicable laws.

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1 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
2 each and every right set forth above.

3 CULPABILITY

4 8. Respondent admits as follows: (1) That an Interim Suspension Order
5 (ISO) was issued on March 3, 2003, suspending her physical therapy license and right to practice
6 as a physical therapist in California; (2) She continued to practice physical therapy on a
7 suspended license during the period November 2002 through August 2003; (3) She was
8 convicted on December 4, 2001, in the Superior Court of Orange County for violating Penal
9 Code section 243 (e) (1) battery against spouse, violating Penal Code section 148 (a) resisting or
10 obstructing a peace officer; (4) She was convicted Superior Court of Orange County on May 7,
11 2001 of violating Penal Code section 647 (f) public intoxication; (5) She was convicted on
12 February 24, 1999, in the Superior Court of Orange County of violating Vehicle Code section
13 23152 (a) and (b) driving under the influence of drugs or alcohol and driving with a blood
14 alcohol of .08% or more, with two priors, and with two additional counts of violating Vehicle
15 Code section 20002 (a), hit and run with property damage.

16 All other charges and allegations of the Second Amended Accusation and
17 Petition to Revoke Probation in Case No D1-1998-62206 and D1-2004-63796 not expressly
18 admitted to by respondent are dismissed.

19 9. Respondent understands that by signing this stipulation she enables the
20 Board to issue an order accepting the Stipulated Revocation of her Physical Therapy License
21 without further process.

22 CONTINGENCY

23 10. This stipulation shall be subject to approval by the Physical Therapy Board
24 of California. Respondent understands and agrees that counsel for Complainant and the staff of
25 the Physical Therapy Board of California may communicate directly with the Board regarding
26 this stipulation for revocation, without notice to or participation by Respondent or her counsel.
27 By signing the stipulation, Respondent understands and agrees that she may not withdraw her
28 agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon

1 it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Revocation
2 of License and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall
3 be inadmissible in any legal action between the parties, and the Board shall not be disqualified
4 from further action by having considered this matter.

5 11. The parties understand and agree that facsimile copies of this Stipulated
6 Revocation of License and Order, including facsimile signatures thereto, shall have the same
7 force and effect as the originals.

8 12. In consideration of the foregoing admissions and stipulations, the parties
9 agree that the (Board) may, without further notice or formal proceeding, issue and enter the
10 following Order:

11 **ORDER**

12 IT IS HEREBY ORDERED that Physical Therapy License No. PT 15197, issued
13 to Respondent LESLIE K. BENSON is revoked and accepted by the Physical Therapy Board of
14 California.

15 13. Respondent shall lose all rights and privileges as a physical therapist in
16 California as of the effective date of the Board's Decision and Order.

17 14. Respondent shall cause to be delivered to the Board both her License
18 wall and pocket license certificate on or before the effective date of the Decision and Order.

19 15. Respondent fully understands and agrees that if she ever files an
20 application for licensure or a petition for reinstatement in the State of California, the Board shall
21 treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations
22 and procedures for reinstatement of a revoked license in effect at the time the petition is filed.

23 **ACCEPTANCE**

24 I have carefully read the above Stipulated Revocation of License and Order and
25 have fully discussed it with my attorney, Charles L. Goldberg. I understand the stipulation and

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1 the effect it will have on my Physical Therapy License. I enter into this Stipulated Revocation of
2 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the
3 Decision and Order of the Physical Therapy Board of California.

4 DATED: March 22, 2005.

6 Original Signed By: _____
7 LESLIE K. BENSON
Respondent

8 I have read and fully discussed with Respondent LESLIE K. BENSON the terms
9 and conditions and other matters contained in this Stipulated Revocation of License and Order. I
10 approve its form and content.

11 DATED: March 23, 2005.

13 Original Signed By: _____
14 CHARLES L. GOLDBERG
Attorney for Respondent

16 ENDORSEMENT

17 The foregoing Stipulated Revocation of License and Order is hereby respectfully
18 submitted for consideration by the Physical Therapy Board of California of the Department of
19 Consumer Affairs.

21 DATED: March 25, 2005.

23 BILL LOCKYER, Attorney General
24 of the State of California

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26 Original Signed By: _____
BARRY D. LADENDORF
27 Supervising Deputy Attorney General
28 Attorneys for Complainant

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Exhibit A

**Second Amended Accusation & Petition to Revoke Probation
No. D1-1998-62206 consolidated with D1-2004-63769**

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Second Amended Accusation
& Petition to Revoke Probation Against:

LESLIE K. BENSON
426 Monterey Lane, #A
San Clemente, CA 92672

Physical Therapy License No. PT 15197

Respondent.

Case No. D1-1998-62206 consolidated
with D1-2004-63769

DECISION AND ORDER

The attached Stipulated Revocation of License and Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on the 20th day of May, 2005.

It is so ORDERED this April 20, 2005.

Original Signed By: Donald A. Chu, P.T., President
FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS